

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SVEN PATRICK TRUMAN,

Plaintiff(s)

vs.

KENNETH JOHNSON, et al,

Defendant(s)

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Case Number: 1:05cv272

District Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Hogan filed on August 25, 2005(Doc. 10), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired September 7, 2005, hereby ADOPTS said Report and Recommendations.

The Court ORDERS that Plaintiff's complaint is DISMISSED *sua sponte* by the court without prejudice for his failure to show exhaustion of administrative remedies and Defendants' motion to dismiss or in the alternative, defendants' motion for summary judgment (Doc. 6) be DENIED AS MOOT.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge